IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.764 OF 2005

Traditional Craft & anr. .. .. Petitioners
v/s.
Addl.Director General of Foreign Trade & ors. .. .. .. Respondents

Mr.M. Nedumpara for petitioners.

Ms.S.V.Bharucha for respondents.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATED : 28TH MARCH 2005

P.C. :

1. Heard Mr.Nedumpara in support of this petition. Ms.Bharucha appears for the respondents.

2. The petitioner has filed an appeal to the Director General of Foreign Trade under Section 15 of the Foreign Trade (Development & Regulation) Act, 1992. This is against the order of penalty to the tune of Rs.2,81,190/- passed by the Joint Director General of Foreign Trade. The petitioner has applied for waiver of the pre-deposit. That application is made on 1st December 2004 and is

pending before the Appellate Authority.

3. Mr.Nedumpara appearing for the petitioners submits that the appeal may be heard without insisting on any such pre-deposit. We are not impressed by this submission based on the alleged financial difficulties of the petitioners. The petitioners may request the Appellate Authority to hear the application for waiver of pre-deposit at the earliest and on their request, the Authority will decide that application on merits at the earliest. No other order is required. Petition is rejected.

4. Mr.Nedumpara requests that the recovery proceedings be stayed in the meanwhile. Request is rejected.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)